

**CORBELLO v. DEVITO**  
**CASE NO.: 2:08-cv-00867-RCJ-PAL**

**EXHIBIT 1 TO PLAINTIFF' MOTION TO COMPEL RE: WRITTEN DISCOVERY TO  
FRANKIE VALLI AND ROBERT J. GAUDIO**

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FRANKIE VALLI AND ROBERT J. GAUDIO**

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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

DONNA CORBELLO, an individual,

Plaintiff,

vs.

THOMAS GAETANO DEVITO, an  
individual, *et al.*,

Defendants.

Case No. 2:08-cv-00867-RCJ-PAL

**DECLARATION OF ROBERT H.  
MCKIRGAN UNDER PENALTY OF  
PERJURY**

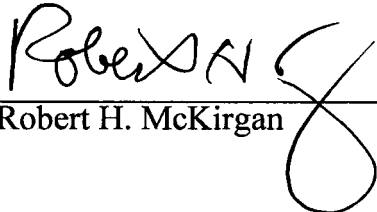
1. My name is Robert H. McKirgan. I am an attorney with the law firm of Lewis and Roca, LLP and am licensed to practice law in Arizona and am admitted pro hac vice in this matter. I am one of the lawyers for the Plaintiff Donna Corbello.

1           2.       Attached as Exhibit 2 to the Motion to Compel Re: Written Discovery to Frankie  
2 Valli and Robert J. Gaudio is a true and correct copy of an email exchange I had with counsel for  
3 the New Defendants regarding the supplemental discovery responses of Valli and Gaudio.

4           3.       In my view, the New Defendants have unduly delayed the production of  
5 documents in this case. In order to take meaningful depositions and to meet discovery deadlines,  
6 including the deadline for expert disclosure, we need the New Defendants to complete their  
7 document production as soon as possible. Despite my and co-counsel's efforts, critical and  
8 important documents remain to be produced, including documents apparently in the possession  
9 of Dodger that relate to Valli and Gaudio's profits due to Jersey Boys.

10          4.       I declare, under penalty of perjury, that the foregoing statements are true and  
11 correct to the best of my ability and belief and are made in good faith.

12               Signed at Phoenix, Arizona on the 23<sup>rd</sup> day of December, 2010.

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15                               Robert H. McKirgan  
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